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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,203	02/08/2000	Mario S. Tozzi	TOZZI 201	2252
7590	04/06/2004		EXAMINER	
Kenneth E Macklin Esq Milde Hoffberg & Macklin LLP 10 Bank Street Suite 460 White Plains, NY 10606			SHIH, SALLY	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 04/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/500,203	TOZZI, MARIO S.
	Examiner Sally Shih	Art Unit 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 31 March 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 and 14-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 and 14-25 is/are rejected.

7) Claim(s) 1 and 10 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

### **DETAILED ACTION**

1. This communication is response to Applicant's amendment filed on March 31, 2003.

The rejections are as stated below:

#### *Status of Claims*

2. Of the original claims 1-18, claims 1-2, 5-10, 16 and 18 have been amended and claim 13 has been cancelled. Additionally, claims 19-25 have been added. Accordingly, claims 1-12 and 14-25 are under prosecution in this application.

#### *Summary of this Office Action*

3. Applicant's arguments with respect to claims 1-12 and 14-25 have been considered but are moot in view of the new ground(s) of rejection. Therefore, claims 1-12 and 14-25 are rejected as being unpatentable over the art cited below, and Applicant's request for allowance is respectfully denied.

#### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, in claim 1, the “authorized person” is not clearly set forth as someone other than the account holder. In claim 10, it does not specify the identity of the person who enters the secret code. Accordingly, it could be the account holder who is making the transaction.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 and 14-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakano et al. (United States Patent Number 5,845,260).

Claim 1. Nakano et al. disclose a system for collecting, storing and forwarding account approval information for transactions between terminals and hosts for a source account associated with an accountholder, enabling account withdrawals and charges by someone other than an accountholder, which system comprises:

a) an input terminal in which an accountholder provides data indicating the source account at an institution from which funds will be paid or charges made, and account approval information and account restriction information comprising terms and conditions on the use of the account, which account restriction information includes a cap value on the amount of the funds or charges to be made available, all of which are transmitted to (abstract; fig. 1 and associated text);

b) a trigger server which stores account information, account approval information and account restriction information for said source account, in association with a secret code (fig. 3 and associated text); and

c) a requesting terminal at an authorized person who presents said secret code is provided the source account approval information for a to the institution in which the previously within the terms and conditions set by the accountholder provided source account is maintained (abstract; fig. 1 and associated text).

Claim 2. Nakano et al. disclose a system as claimed in claim 1, wherein the input terminal includes means for collecting and transmitting said data to said trigger server, comprising at least one of an automated teller machine, a credit or debit card block, a point of sale machine, a personal computer, a lotto machine, a touch-tone telephone, a fax machine, and a wireless device (abstract; fig. 3 and associated text).

Claim 3: Nakano et al. disclose a system as claimed in claim 1, wherein the input terminal generates a random secret code (abstract; fig. 3 and associated text).

Claim 4: Nakano et al. disclose a system as claimed in claim 1, wherein the secret code is established by the sender via keyboard input, digitally, optically or magnetically (abstract; fig. 3 and associated text).

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Claim 5. Nakano et al. disclose a system as claimed in claim 1, wherein the input terminal also includes at least one of a barcode reader, a printing device, a magnetic-card writer and a magnetic card reader (abstract; fig. 3 and associated text).

Claim 6. Nakano et al. disclose a system as claimed in claim 5, wherein the secret code is printed as numbers, letters, symbols, or barcode, or is digitally, magnetically or optically stored (abstract; fig. 3 and associated text).

Claim 7. Nakano et al. disclose a system as claimed in claim 1, wherein the requesting terminal includes means for transmitting said secret code to said trigger server, comprising at least one of an automated teller machine, a credit or debit card block, a point of sale machine, a personal computer, a lotto machine, a fax machine, a wireless device and a touch-tone telephone (abstract; fig. 3 and associated text).

Claim 8. Nakano et al. disclose a system as claimed in claim 1, wherein the requesting terminal also includes at least one of a barcode reader and a magnetic card reader (abstract; fig. 3 and associated text).

Claim 9. Nakano et al. disclose a system as claimed in claim 1, wherein the source account is any account capable of being authorized electronically, including at least one of a credit account, a checking account, a savings account, a money market account, an investment account and a telephone account (abstract; figs. 1-3 and associated text).

Claim 10. Nakano et al. disclose a method for enabling collection, storage and delivery of source account approval information for withdrawals and charges to a source account associated with an accountholder, by someone other than the accountholder, which method comprises:

- a) an accountholder providing data indicating a source account at an institution from which funds will be paid or charges made, and account approval information and account restriction information comprising terms and conditions on the use of the account, which account restriction information includes a cap value on the amount of the funds to be made available (abstract; figs. 1, 3 and associated text);
- b) transmitting said data to a trigger server which stores account information, account approval information and account restriction information for said source account, in association with a secret code (abstract; figs. 1, 3 and associated text);
- c) entering the secret code at a requesting terminal which transmits it to the trigger server (abstract; figs. 1, 3 and associated text); and
- d) providing the source account approval information for a charge or withdrawal within the terms and conditions set by the accountholder to the institution in which the previously provided source account is maintained (abstract; figs. 1, 3, 5 and associated text).

Claim 11: Nakano et al. disclose a method as claimed in claim 10 wherein accountholder is charged a service charge at the input terminal (abstract; fig. 3 and associated text).

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Claim 12: Nakano et al. disclose a method as claimed in claim 10 wherein a service charge is imposed at the requesting terminal (abstract; fig. 3 and associated text).

Claim 14: Nakano et al. disclose a method as claimed in claim 10 wherein further comprises entering a beneficiary account to where money should be remitted (abstract; fig. 1, 3 and associated text).

Claim 15. Nakano et al. disclose a method as claimed in claim 14, wherein said beneficiary account is an account capable of receiving funds electronically, including at least one of a checking account, a money market account, an investment account, and a savings account (abstract; fig. 1, 3 and associated text).

Claim 16. Nakano et al. disclose a method as claimed in claim 14, wherein the beneficiary account is entered via a magnetic or digital card, keyboard input, a barcode (fig. 3 and associated text).

Claim 17: Nakano et al. disclose a method as claim in claim 10 wherein said step of entering the secret code at a requesting terminal further comprises a step of entering personal information (fig. 3 and associated text).

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Claim18. Nakano et al. disclose a method as claimed in claim 17, wherein said identification is input means via a keyboard, a magnetic or digital card, a barcode or any other apparatus capable of providing the required information (fig. 3 and associated text).

Claim 19. Nakano et al. disclose a system as claimed in claim 1, wherein an accountholder is charged a service charge at the input terminal (col. 2, line 25; fig. 3 and associated text).

Claim 20. Nakano et al. disclose a system as claimed in claim 1, wherein a service charge is imposed at the requesting terminal (fig. 3 and associated text).

Claim 21. Nakano et al. disclose a system as claimed in claim 1, which further comprises means for entering a beneficiary account to where money should be remitted (fig. 5 and associated text).

Claim 22. Nakano et al. disclose a method as claimed in claim 21, wherein said beneficiary account is an account capable of receiving funds electronically, including at least one of a checking account, a money market account, an investment account, and a savings account (figs. 1-3 and associated text).

Claim 23. Nakano et al. disclose a method as claimed in claim 21, wherein the beneficiary account is entered via at least one of a magnetic or digital card, keyboard input, and a barcode reader (fig. 3 and associated text).

Claim 24. Nakano et al. disclose a method as claimed in claim 10 wherein said step of entering the secret code at a requesting terminal further comprises a step of entering personal identification (fig. 3 and associated text).

Claim 25. Nakano et al. disclose a method as claimed in claim 24, wherein said identification is input via at least one of a keyboard, a magnetic or digital card, and a barcode reader (fig. 3 and associated text).

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Shih whose telephone number is 703-305-8550. The examiner can normally be reached on Flexible.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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